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1 resolution regarding that issue?

2 A. I believe he entered into an agreement to
3 pay back the money.

4 Q. Was there any other reason that you
5 did not want to hire Hector Figueroa for the second
6 time?

7 A. No. Well, I think that was enough.

8 Q. Did you voice that concern to
9 Jamal Johnson?

10 A. I don't recall.

11 Q. Hector was Jamal's assistant, correct?

12 A. Oh, I don't think he was -- I think he was
13 assistant director, not his assistant.

14 Q. Hector reported directly to Jamal
15 while he worked for the County, correct?

16 A. Yes.

17 Q. As the assistant director of labor,
18 personnel, correct?

19 A. Labor Relations, I believe.

20 Q. Labor Relations. Did Jamal Johnson
21 advocate to hire Hector back?

22 A. Yes.

23 Q. Did he advocate that to you?

24 A. I don't know if it was to me directly, but I

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1 think in meetings that I had with Jamal and
2 Howard -- I think we had weekly meetings at that
3 point -- he did.

4 Q. Did he provide any rationale for
5 hiring Hector back?

6 A. I don't recall.

7 Q. Do you know if Hector was ever given a
8 written warning during his employment with
9 Delaware County?

10 A. I don't know.

11 Q. Who would have given him that warning,
12 if he had received one?

13 A. Probably his immediate supervisor.

14 Q. Who was most familiar with Hector's
15 job performance?

16 A. Well, I don't know who most would have been.
17 I don't know that.

18 Q. Was Hector ever given an oral warning
19 during his employment with Delaware County?

20 A. I know that I had given him oral feedback on
21 work that was subpar.

22 Q. Was that feedback a warning?

23 A. It was a counseling.

24 Q. Is there any documentation of that

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1 counseling?

2 A. I don't know.

3 Q. What did you do, if anything, to
4 prepare for today's deposition?

5 MR. SCHLEIGH: Without getting
6 into any discussions with counsel, you can
7 tell him if you looked at materials, if you
8 reviewed anything, those types of issues.

9 A. I reviewed my notes from my discussions with
10 counsel about Hector and Jamal's performance and
11 some deposition testimony.

12 Q. Did Hector commit a serious offense
13 that warranted immediate discharge?

14 A. Well, the way you presented it, I don't know
15 exactly what you mean by that. But there were a
16 culmination of events that occurred under his watch
17 that placed the County in jeopardy with regard to
18 relations -- relationships between the employees,
19 unionized employees, nonrepresented employees,
20 employees in general, and so there was a series of
21 these events, and that culminated in his
22 termination.

23 Q. When you said a moment ago that you
24 orally counseled Mr. Figueroa, what, if anything, do

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1 you remember about that?

2 A. I asked him for a dynamic track with regard
3 to labor relation matters before the County. And I
4 wanted that. I explained to him before I counseled
5 him what I wanted in this tracker.

6 Didn't get it by the deadline.
7 Had to track him down. I believe he was either on
8 the road or at his house.

9 And then he sent me an e-mail
10 that had bullet points, about eight to 10 bullet
11 points, with grammatical errors in it as well, and
12 any first-year associate would not have given that
13 to anyone. So I found it subpar.

14 Q. When you received Mr. Figueroa's
15 response to your request for a dynamic tracker --
16 or, sorry. Dynamic tracking or tracker?

17 A. Tracker.

18 Q. Tracker. (Continuing) -- is that when
19 you had the oral counseling with him?

20 A. Yes.

21 Q. Where was that oral counseling?

22 A. Like I said, he was on the road. He was on
23 the phone when I talked to him.

24 Q. Did you indicate to him that it was

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1 counseling in any way?

2 A. Well, I think when your superior tells you
3 that your work product is subpar, it's a counseling.
4 And people -- especially a labor relation expert --
5 would know it's counseling.

6 Q. When you mentioned that you gave him
7 oral counseling, were there any other incidents of
8 oral counseling that you are referring to?

9 A. During my conversation with him?

10 Q. Any other incidents.

11 A. No. He was not a direct report of mine.

12 Q. Was Mr. Figueroa provided a written
13 statement with the reason or reasons he was
14 terminated?

15 A. I don't recall.

16 Q. What is the Delaware County
17 Administrative Code?

18 A. That's the code by which we basically do
19 business in the county.

20 MR. COHEN: I will share my
21 screen. I'm showing you what I will mark as
22 Woolley Exhibit 1. It's a two-page document,
23 and Bates stamped PLS124, 125.

24 (Whereupon Woolley-1 was marked for

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1 Ms. Jackson was the instigator, correct?

2 A. You are asking me to interpret what these
3 notes are?

4 Q. I'm asking you about the investigation
5 relating to Mr. Fitzgerald's complaint against
6 Ms. Jackson.

7 A. Right. So what I know about this
8 investigation is that, when I was presented with
9 some conclusions by Mr. Johnson, I asked him a
10 question about did he interview Ms. Jackson. He had
11 not.

12 So I don't -- and my statement
13 to him was, "I don't know how you can give me a
14 recommendation. You have not interviewed everyone
15 that needs to be interviewed."

16 And I also asked him, if there
17 was such raised voices, if he interviewed anybody in
18 the Controller's Office. And the
19 Controller's Office is right next door to
20 Procurement, and you can hear things going back and
21 forth at a normal level. If he interviewed anybody
22 from the Controller's Office. And he said no.

23 So, you know, I know what these
24 notes portend to say, but I don't know if we can

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1 garner that because we don't have enough information
2 from other sources who should have been interviewed.

3 Q. So the subject of a complaint should
4 be provided an opportunity to give a statement,
5 correct?

6 A. They should be given the opportunity, and --
7 yes, they should.

8 Q. Was Ms. Jackson provided an
9 opportunity so give a statement regarding
10 Mr. Fitzgerald's complaint against her?

11 A. The way I recall, after my questions, and
12 the answer was no, as to she had not given a
13 statement, I spoke to Ms. Jackson and told her to
14 make herself available to be interviewed.

15 Whether or not she did, I am
16 unsure.

17 Q. When you told Mr. Johnson that he
18 should -- I don't want to get your words wrong.

19 When Mr. Johnson presented you
20 with his findings regarding Mr. Fitzgerald's
21 complaint against Ms. Jackson, you inquired as to
22 whether or not he had interviewed Ms. Jackson,
23 correct?

24 A. I inquired about the thoroughness of the

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1 investigation.

2 Q. And fair to say you were critical of
3 his findings because Ms. Jackson had not provided a
4 statement?

5 A. I told him there was nothing for me to
6 critique because he had missed, one, the person who
7 the complaint was made against, and also other
8 possible witnesses that were right next door.

9 Q. Did Mr. Johnson inform you at that
10 time that he had attempted to interview Ms. Jackson?

11 A. I don't recall that.

12 Q. So looking at the first page of this
13 document, which is dated August 4th, 2022, do you
14 know whether or not the conversation you are
15 referring to that you had with Mr. Johnson occurred
16 before or after this document was sent to you on
17 August 4th?

18 A. I don't know when the meeting I had with
19 Jamal occurred. So I don't know.

20 Q. And would you agree that, in this
21 document sent to you, there are notes of five
22 witnesses' interviews?

23 A. You are going to have to show me. I see
24 two.

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1 complaint against Ms. Jackson?

2 A. You would have to ask Mr. Johnson.

3 Q. And you asked Mr. Johnson for a
4 recommendation regarding how to handle the complaint
5 made against Ms. Jackson, correct?

6 A. No. Before he gave it or after? I think
7 there's a temporal thing here. So ...

8 Q. Okay. Did you ask Mr. Johnson for a
9 recommendation regarding that issue?

10 A. I don't know, because I believe there were
11 things happening, and I was objecting to the form of
12 the investigation and the conclusions drawn
13 therefrom, and I had a problem with the process, not
14 the recommendation.

15 Q. Was it multiple problems or a single
16 problem you had with the process?

17 A. Well, there are multiple problems that are
18 begotten from the same issue of not contacting all
19 the witnesses.

20 Q. So I think you've identified the issue
21 of not interviewing Ms. Jackson, correct?

22 A. Yes.

23 Q. And also an issue of not speaking with
24 individuals in the Controller room?

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1 A. Controller's Office, yes.

2 Q. Controller's Office. Okay.

3 Are there any other concerns you
4 had with the process of the investigation into
5 Mr. Fitzgerald's complaint?

6 A. Not with the process.

7 Q. So the individuals in the
8 Controller's Office, how far away is the
9 Controller's Office from the Purchasing Department?

10 A. They are in the same suite.

11 Q. So why are the five individuals that
12 were interviewed, and the notes shown in the
13 August 4th e-mail to you, insufficient for that
14 investigation, outside of Ms. Jackson?

15 A. Clearly, when you're doing an investigation,
16 you want to get all available witnesses and their
17 statements. I think that's just buttoning up the
18 investigation.

19 Q. How many additional witnesses, besides
20 Ms. Jackson, should Mr. Johnson and Mr. Figueroa
21 have interviewed regarding this complaint?

22 A. I don't know if there were any other
23 witnesses. They did not inquire of the
24 Controller's Office if anybody had heard this

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1 kerfuffle that went on.

2 Q. Was it a single incident, or was it
3 repeated incidents over time between Mr. Fitzgerald
4 and Ms. Jackson?

5 A. So that, I don't know. I know that there
6 was a seminal event that occurred, and I'm referring
7 to that seminal event.

8 Q. Can you identify any individuals that
9 should have been interviewed by either Mr. Johnson
10 or Mr. Figueroa regarding this investigation that
11 were not?

12 A. There were people in the Controller's Office
13 who were employed at that time, and the question
14 could have been had of the Controller's Office, and
15 the controller in particular, you know, "Can I talk
16 to your staff about events that occurred on a
17 certain date? And I want to know if anybody heard
18 anything or witnessed anything." Because there is a
19 window going by.

20 Q. Is there some reason why the five
21 individuals that were interviewed would be biased or
22 otherwise not provide correct information regarding
23 this complaint?

24 MR. SCHLEIGH: Objection to

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1 Q. Mr. Johnson explained that same day,
2 August 15th, how the county would be liable for
3 Ms. Jackson's harassment, correct?

4 MR. SCHLEIGH: Objection to
5 form. You can answer.

6 A. He reached the conclusion, yes.

7 Q. Did you tell Ms. Jackson she would not
8 be disciplined as a result of the investigation?

9 A. I don't recall.

10 Q. After receiving Mr. Johnson's
11 recommendation to place her on administrative leave,
12 did you meet with Ms. Jackson?

13 A. I would have met with her on a regular
14 basis, yes.

15 Q. What, if anything, do you remember
16 about the meeting you had with Ms. Jackson following
17 receiving Mr. Johnson's recommendation to place her
18 on administrative leave?

19 A. I met with her and said that she needed to
20 make herself available to be interviewed.

21 Q. And at that point that you met with
22 her, had Mr. Johnson expressed to you that
23 Ms. Jackson had not made herself available?

24 A. I don't recall that, but I knew that she had

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1 not been, and I wanted her to make herself
2 available.

3 Q. Do you know if she did make herself
4 available for an interview?

5 A. I do not know.

6 Q. Do you know if she was ever
7 interviewed?

8 A. Not in relation to this matter, I do not.

9 Q. And she never suffered any consequence
10 as a result of Mr. Fitzgerald's complaint against
11 her, correct?

12 MR. SCHLEIGH: Objection to
13 form. You can answer.

14 A. I think that any time anybody makes a
15 complaint against you, I think you suffer.

16 Q. Regarding the terms of her employment,
17 did she suffer any consequence as a result of
18 Mr. Fitzgerald's complaint against her?

19 A. To my knowledge, the investigation was never
20 completed.

21 Q. What role, if any, did you have in not
22 completing the investigation?

23 MR. SCHLEIGH: Objection to
24 form. You can answer.

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1 A. I was never involved in the investigation.

2 Q. Well, did Howard Lazarus change his
3 mind regarding placing Ms. Jackson on
4 administrative leave?

5 A. You'd have to ask him.

6 Q. At one point he was onboard with
7 placing her on administrative leave, correct?

8 MR. SCHLEIGH: Objection to
9 form. You can answer.

10 A. From the document that you showed me,
11 apparently.

12 Q. I'm sorry. I missed the last word.

13 A. I said, "Apparently."

14 Q. Okay. And at some point you expressed
15 your concerns to Mr. Lazarus about the process of
16 the investigation, correct?

17 A. So, yes. Well, there are two things that
18 concerned me with regard to my conversations with
19 Howard Lazarus. One was the process of the
20 investigation. The other is, having made all these
21 decisions outside of her direct supervisor, who at
22 the time was me, not being involved, made aware of
23 things that were ongoing by HR.

24 Q. So we saw the e-mail to you on

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1 August 4th with the summaries of the investigation,
2 correct?

3 A. Yes.

4 Q. And we saw Mr. Johnson's response to
5 your request for a recommendation?

6 A. Yes.

7 Q. What more involvement in the
8 investigation did you want?

9 A. For me, it was a timing issue.

10 Q. Can you elaborate, please?

11 A. There was a recommendation that was being
12 made about a direct report of mine; that the
13 investigation was not complete, and we should have
14 had conversations about that before a recommendation
15 was made.

16 Q. Was Mr. Figueroa terminated in part
17 for not diligently investigating Mr. Fitzgerald's
18 complaint against Ms. Jackson?

19 A. No, not by me.

20 Q. Was your recommendation to terminate
21 Mr. Figueroa in part based on his role in the
22 investigation into Mr. Fitzgerald's complaint?

23 A. No.

24 Q. Do you know when Mr. Figueroa began

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1 his investigation into Mr. Fitzgerald's complaint
2 against Ms. Jackson?

3 A. I don't.

4 MR. COHEN: I will mark this as
5 Woolley Exhibit 5.

6 (Whereupon Woolley-5 was marked for
7 identification.)

8 BY MR. COHEN:

9 Q. Can you read this document all right
10 while my computer is loading? Or do you want me to
11 make it bigger?

12 A. If you could make it bigger.

13 Q. Let me close it and restart it. Give
14 it a second.

15 MR. SCHLEIGH: Noah, do you want
16 to take a break?

17 MR. COHEN: That's fine. Sure.

18 (Short recess taken at
19 12:16 p.m.)

20 (Proceedings resumed at
21 12:20 p.m.)

22 BY MR. COHEN:

23 Q. Were you disappointed in the way that
24 Mr. Johnson conducted the investigation into

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1 Mr. Fitzgerald's complaint against Ms. Jackson?

2 A. Yes.

3 Q. Was that disappointment part of the
4 reason you demoted him?

5 A. Yes.

6 Q. In order to demote him, did you need
7 to terminate Mr. Figueroa?

8 A. No.

9 Q. Well, he took Mr. Figueroa's position,
10 correct?

11 A. Yes.

12 Q. And if Mr. Figueroa had still been
13 there, demoting Mr. Johnson would not have made
14 sense, correct?

15 MR. SCHLEIGH: Objection to
16 form. You can answer.

17 A. I could have had both of them on the
18 payroll.

19 Q. What was Mr. Johnson's position after
20 he was demoted?

21 A. I don't know. Either assistant director of
22 Labor Relations or director of Labor Relations. I
23 can't -- I don't recall.

24 Q. Well, prior to his demotion, he was

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1 the director, correct?

2 A. Director of Human Resources.

3 Q. Was Mr. Johnson still a director after
4 his demotion?

5 A. In terms of benefits, yes.

6 Q. What about in terms of job duties and
7 responsibilities?

8 A. Well, he wasn't a director in charge of a
9 department.

10 Q. And what department was Mr. Johnson
11 part of after his demotion?

12 A. Human Resources. Well, Personnel we called
13 it.

14 Q. After Mr. Johnson's demotions, were
15 his job duties and responsibilities the same as
16 Mr. Figueroa's had been prior to his termination?

17 A. No. Because we required of Jamal more -- in
18 terms of background information about some of the
19 benefit things that had been going on when he was in
20 charge. So there was a different role in terms of
21 how we utilized Mr. Johnson. His role was broader
22 than Mr. Figueroa's.

23 Q. Can you give me any examples?

24 A. Any questions we had about the

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1 implementation of NEOGOV, PlanSource, or Broadspire,
2 we would be able to ask Mr. Johnson about those.

3 Q. After Mr. Johnson was demoted, who
4 took over his role?

5 A. I did.

6 Q. How long were you in that role for?

7 A. I think six months.

8 Q. And then who took over the position
9 from you?

10 A. I hired Christine Kay.

11 Q. Is she still in this position?

12 A. Yes.

13 Q. What is her job title?

14 A. Now she is the chief human resources
15 officer.

16 Q. Who reports to her, if anyone?

17 A. A number of people. Helen Dyer. A number
18 of people. I'm blanking on them. But assistant
19 director of Labor Relations, assistant director of
20 labor counsel, a project manager. Those are all
21 that are coming to mind now.

22 Q. Who is the current assistant director
23 of Labor Relations?

24 A. I can't recall his name. I can see his

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1 Q. Well, this was for Monday, August 1st,
2 right?

3 A. Yes.

4 Q. And the other document that I showed
5 you, which was marked as Woolley Exhibit 6, was for
6 an interview on August 15th, correct?

7 A. Yes.

8 Q. So would you agree that he attempted
9 to --

10 A. Twice, yes.

11 Q. -- interview her on multiple
12 occasions?

13 A. Twice. What you showed me was twice, right?

14 Q. Right. Yes. August 1 and August 15.
15 Yes.

16 In that two-week period between
17 when he had tried to interview her on August 1 and
18 on August 15, did you meet with Ms. Jackson?

19 A. Probably. But about this investigation, I
20 don't know.

21 Q. So if Ms. Jackson was refusing to
22 participate in the investigation by not coming to
23 speak with Mr. Johnson or Mr. Figueroa, is that
24 Mr. Johnson's fault?

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1 MR. SCHLEIGH: Objection to
2 form. You can answer.

3 A. I'm not ascribing fault to anyone. What he
4 should have done is gone to either myself or to
5 Howard and compelled her. And have her compelled, I
6 should say.

7 Q. Did Mr. Figueroa investigate a labor
8 issue between co-workers in the IT Department?

9 MR. SCHLEIGH: Objection to
10 form. You can answer.

11 A. I think he did, yes.

12 Q. Was one of the co-workers a male and
13 the other a female?

14 A. Yes.

15 Q. And was the female employee found to
16 have violated County policy by drinking alcohol
17 during working hours and hiding bottles of alcohol
18 in the County building?

19 A. As part of the same investigation?

20 Q. Well, what do you consider to be the
21 scope of the investigation?

22 A. What I know is that there were complaints
23 lodged by a male employee against a female employee
24 for sexual harassment in the IT Department.

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1 a month later?

2 A. He was rehired, yes.

3 Q. And was an unfair labor practices
4 charge filed against Delaware County as a result of
5 Mr. Figueroa's poor work performance?

6 A. There was an unfair labor practice that was
7 filed because the County did not respond timely.

8 Q. And was that untimely response on
9 account of Mr. Figueroa's poor work performance?

10 A. I believe responding to that would have part
11 of his bailiwick, yes.

12 Q. Are you aware of a concern regarding
13 pay discrepancy brought to Mr. Figueroa by
14 Ms. Footman?

15 A. Regarding? Regarding whom?

16 Q. Regarding a County employee.

17 A. Yes.

18 Q. The concern that was brought to
19 Mr. Figueroa, are you aware of how that resolved?

20 A. I don't think Mr. Figueroa did anything.

21 Q. Was it otherwise resolved in some way
22 that you are aware of?

23 A. I don't know.

24 Q. Did you have any conversations with

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1 Q. Did you make the decision to place
2 Franklin Fitzgerald in Fair Acres?

3 A. Yes.

4 Q. Why did you place him in Fair Acres?

5 A. The investigation had to continue, and there
6 had been a complaint made against his superior, and
7 I did not want there to be any further conflict, so
8 I wanted to separate the two.

9 Q. And why move him instead of
10 Ms. Jackson?

11 A. Ms. Jackson was in charge of Central
12 Procurement. Her office and the people that report
13 to her are in one location. There are multiple
14 other departments throughout the County that have a
15 procurement need. And one in particular --
16 especially because of what they do -- Fair Acres,
17 had people that were doing a job similar to that of
18 Mr. Fitzgerald, so he would not be impacted in terms
19 of job duties, function, or pay.

20 Q. Did you speak with Dr. Taylor at all
21 about the decision to place Mr. Fitzgerald in
22 Fair Acres?

23 A. I'm sure at some point I did.

24 Q. Why would you have spoken to

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1 Dr. Taylor about that decision?

2 A. At that point, like I said, there were a lot
3 of issues coming out of HR. Council -- with an I --
4 was receiving a number of complaints from internal
5 and external constituents about backlogs, about
6 inability of getting in touch with people, and so
7 this was high on their priority list, and so I would
8 update them accordingly.

9 Q. Are you aware of any friendship
10 between Dr. Taylor and Ms. Jackson?

11 A. No.

12 Q. Were you against Mr. Fitzgerald
13 working in the Office of Sustainability?

14 MR. SCHLEIGH: Objection to
15 form. You can answer.

16 A. No. I was concerned about the process.

17 Q. What do you mean by that?

18 A. There was no job available in Sustainability
19 for him.

20 Q. Mr. Fitzgerald did not have the
21 ability to stay at Fair Acres long term, correct?

22 A. I did not envision his placement at
23 Fair Acres as a permanent placement, correct.

24 Q. How long did you envision his

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1 placement at Fair Acres?

2 A. It was dependent upon the length of the
3 investigation and the conclusion of the
4 investigation.

5 Q. What, if anything, did you do to
6 ensure that he could come back to the Procurement
7 Department?

8 A. There was no overt action needed.

9 Q. Why is that?

10 A. Because he was still in his position.

11 Q. At Fair Acres?

12 A. He was still in his position. And so he,
13 physically, was out of Fair Acres, but his position
14 was still in the Central Procurement Department.

15 Q. In order for Mr. Fitzgerald to return
16 to the Procurement Department, would you agree that
17 the investigation into his complaint had to be
18 resolved?

19 A. Yes.

20 Q. Why couldn't Mr. Fitzgerald stay at
21 Fair Acres long term?

22 A. If that's something that he had wanted and
23 something that Jim Peterson and the director of
24 Fair Acres would have wanted, we would have made it

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1 happen.

2 Q. Did Franklin express an interest in
3 any specific transfer or any specific location to
4 work in?

5 A. The only thing that I knew that he wanted or
6 would have liked to have had is a position in the
7 Office of Sustainability, as I recall.

8 Q. Do you recall why was that not
9 possible?

10 A. There were no buyers -- there are no buyers
11 in Public Works facilities or any of the departments
12 that are in Sustainability.

13 Q. Did Jim Peterson express to you
14 whether or not Franklin could stay at Fair Acres?

15 A. "Stay," meaning?

16 Q. Meaning that Mr. Fitzgerald could be
17 transferred to Fair Acres from the Procurement
18 Department.

19 A. On a permanent basis? Temporary basis? I'm
20 trying to figure out --

21 Q. Fair enough. On a permanent basis.

22 A. That was never my intention, so we didn't
23 have that discussion.

24 Q. What, if anything, did you do to

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1 effectuate your intention for Franklin Fitzgerald's
2 long-term employment with the County?

3 A. I think I did exactly what I should have,
4 and that, in terms of when there is an issue that
5 arises like that, is separate the two to ensure that
6 he has a safe place of employment and that we
7 recognize his complaint and we are taking it
8 seriously.

9 Q. When you became the director of
10 Labor Relations upon --

11 A. I never became director of Labor Relations.

12 Q. Okay. Fair to say, though, that you
13 took over the job responsibilities of Mr. Johnson
14 upon his demotion and those responsibilities
15 included the role of director of Labor Relations?

16 A. No. Mr. Johnson was the CPO. He was
17 demoted to director of Labor Relations.

18 Q. Upon Mr. Johnson's demotion, who was
19 responsible for continuing the investigation into
20 Mr. Fitzgerald's complaint?

21 A. Mr. Johnson.

22 MR. COHEN: I will mark this as
23 Woolley Exhibit 8. It's a one-page document,
24 645.

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1 Q. So going to the last page, this is an
2 e-mail from you to Mr. Johnson on August 9th asking
3 where Franklin is, correct?

4 A. Yes.

5 MR. SCHLEIGH: Can you make it a
6 little larger, please?

7 MR. COHEN: Sure.

8 MR. SCHLEIGH: Bifocals just
9 aren't cutting it.

10 BY MR. COHEN:

11 Q. So going to the first page, which is
12 638 at the bottom, this is an e-mail from you to
13 Mr. Johnson on August 9th at 3:52 p.m. saying that
14 Franklin needs to be placed at Fair Acres
15 immediately, correct?

16 A. Yes.

17 Q. Do you know how long relative to you
18 sending that e-mail it took for him to be placed
19 there?

20 A. No, but my hope is that it happened
21 immediately.

22 Q. Is part of the reason why you wanted
23 him to be placed at Fair Acres so that he not be in
24 the same building as Ms. Jackson?

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1 A. No. My concern was that he had a job
2 function that he was trained to do and have limited
3 contact with Ms. Jackson.

4 Q. Are most of the jobs for
5 Delaware County in the main Delaware County
6 building?

7 A. I don't know. We have a lot of satellite
8 offices. So I couldn't say that a majority of them
9 are here. Unless you are including the courts.
10 Maybe. Yes.

11 Q. What is the name of that building? Or
12 how do you call that building?

13 A. Where we were right now is the
14 Government Center.

15 Q. The Government Center. Thank you.

16 Would transferring
17 Mr. Fitzgerald within the Government Center have
18 been a viable option?

19 A. Depends on where and the opportunity.

20 Q. If there was a job that worked for his
21 skill set and pay, would working in the
22 Government Center have been a viable option?

23 A. Possibly.

24 Q. Did you have --

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1 not there's a position in Francine's shop.

2 Q. And Ms. Brown is saying there is a
3 position under Danielle Floyd?

4 A. Yes. I don't know what position that would
5 have been, because that's Public Works, and
6 Public Works needs engineers. So that seems odd to
7 me. But okay.

8 Q. Well, did Mr. Fitzgerald resign?

9 A. I believe so.

10 Q. Do you know why?

11 A. No.

12 Q. Did he have performance issues prior
13 to his resignation?

14 A. You'd have to ask his direct supervisor.

15 Q. Did Mr. Fitzgerald suffer consequences
16 as a result of complaining against his direct
17 supervisor, Ms. Jackson?

18 MR. SCHLEIGH: Objection to
19 form. You can answer.

20 A. Not to me. He was making the same money and
21 the same job.

22 Q. When you say "the same job," what job
23 are you referring to?

24 A. Being a purchasing agent.

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1 Q. At Fair Acres?

2 A. Yes.

3 MR. COHEN: I will mark this as
4 Woolley Exhibit 11. This is a four-page
5 document, Bates stamped 19A through D.

6 (Whereupon Woolley-11 was marked for
7 identification.)

8 BY MR. COHEN:

9 Q. Do you recognize this document?

10 A. Yes.

11 Q. Did you author this document?

12 A. I did, and in conjunction with Ms. Footman.

13 Q. What was Ms. Footman's contribution to
14 this document?

15 A. Just some gathering facts about what was
16 going on in HR at the time.

17 Q. So I will give you an opportunity to
18 look through the whole document, if you'd like.

19 A. No. You can --

20 Q. Okay. Is this the final version of
21 this document?

22 MR. SCHLEIGH: You should look
23 at the whole document.

24 MR. COHEN: That's fine. I

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1 know.

2 (Brief pause.)

3 THE WITNESS: Looks like it is.

4 BY MR. COHEN:

5 Q. Do you know why there are only four
6 pages?

7 A. Because there were probably -- there were
8 edits.

9 Q. Okay. Who completed the document?

10 MR. SCHLEIGH: Objection to
11 form. You can answer.

12 A. I did.

13 Q. Do you know when you completed it?

14 A. No. But it was before my meeting with
15 Council. So whatever that date was. I don't know
16 what that date was. I've have to look at my diary.

17 Q. By Council, you mean I-L?

18 A. Yes.

19 Q. In that meeting with Council, did you
20 discuss the demotion of Mr. Johnson?

21 A. Yes.

22 Q. And did you discuss Mr. Johnson's
23 investigation into the complaint against
24 Ms. Jackson?

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1 A. I don't think so. So to put it in context,
2 this investigation -- if the process had gone
3 through where I would have been satisfied and they
4 had made a recommendation to terminate -- and Jamal
5 had made a recommendation to terminate Ms. Jackson,
6 I would not have objected.

7 Q. So based upon the interviews
8 conducted, you think terminating Ms. Jackson was
9 warranted?

10 A. No.

11 MR. SCHLEIGH: Objection to
12 form.

13 A. No. It would be premature, because I don't
14 think there's a proper process that was followed.
15 There were other interviews that needed to be
16 completed before coming up with that recommendation.

17 Q. On the first page it's dated as 2022,
18 correct?

19 A. Yes.

20 Q. Do you know why it's dated 2022
21 generically?

22 A. Because this is not -- so I was debating
23 whether or not this was going to be a memo that was
24 going to be distributed to Council or just going to

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1 be talking points. So between edits and things like
2 that, and me needing to discuss this with Council --
3 I-L -- these are talking points.

4 Q. And earlier when you were asked about
5 any warnings you had provided to Mr. Figueroa, you
6 talked about the conversation you had after asking
7 him for the dynamic tracker, correct?

8 A. Yes.

9 Q. And his response to that request was
10 part of the rationale for recommending his
11 termination, correct?

12 A. It was one part of it, yes. Well, not his
13 response. It was what he sent to me as the document
14 as the dynamic tracker, which was nothing dynamic at
15 all. It was an e-mail.

16 Q. And the information you were looking
17 for, essentially, was what he was working on?

18 A. No. It would have included that and
19 anything else that Jamal may have been working on
20 that we could literally track all the labor issues
21 that were current -- that the County currently
22 faced.

23 And by dynamic, if they have --
24 in Microsoft, you can have some kind of document

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1 that you can update and share with people, and this
2 is what I wanted, and I told him, and he didn't do
3 it.

4 Q. A few days after Mr. Figueroa
5 responded to that request, you received the
6 requested information from Mr. Johnson, correct?

7 A. I don't know. I know that Mr. Johnson
8 hesitated to provide some things, so I'm not sure.
9 I'm not sure.

10 MR. COHEN: Why don't we take
11 five, and then I think I don't have that much
12 more.

13 (Short recess taken at
14 1:19 p.m.)

15 (Proceedings resumed at
16 1:26 p.m.)

17 MR. COHEN: I will mark this as
18 12. This is a three-page document starting
19 at PLF13 to 15.

20 (Whereupon Woolley-12 was marked for
21 identification.)

22 BY MR. COHEN:

23 Q. So here at the bottom of page 2 of
24 Woolley Exhibit 12, this is an e-mail from

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1 Ms. Footman to Mr. Figueroa, copying you and
2 Mr. Johnson, titled Grievance, slash, CBA Tracker,
3 correct?

4 A. Yes.

5 Q. And she asks that you provide a copy
6 of outstanding grievances and CBA negotiations by
7 Monday, correct?

8 A. Yes.

9 Q. Was this the issue you were referring
10 to regarding the dynamic tracker?

11 A. The issue is that there was no dynamic
12 tracker. So we had to distill what we were looking
13 for at the time, and that would be a list of the
14 grievances.

15 Q. So Mr. Figueroa responds a little more
16 than an half an hour later with this e-mail to
17 yourself, correct?

18 A. Yes.

19 Q. And that e-mail was insufficient, in
20 your opinion, regarding what was asked of him,
21 correct?

22 A. So it wasn't insufficient in this specific
23 request. It was insufficient in the total request
24 of a dynamic tracker. But I needed information

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1 regarding these specific things, and so he sent
2 that.

3 Q. Going to the first page of the
4 document, Mr. Johnson responded shortly thereafter
5 saying that he was assembling a comprehensive list
6 and submitted on Monday, correct?

7 A. Yes.

8 Q. And then on Monday he did submit a
9 copy of an LR Tracker, correct?

10 A. I mean, that's what it says. I don't see an
11 attachment, but he probably did.

12 Q. And there was an attachment to this
13 e-mail, correct?

14 A. I think so. I see a Labor Relations log,
15 yes.

16 Q. Do you remember receiving this e-mail
17 from Mr. Johnson?

18 A. I mean, it looks familiar.

19 Q. And the information provided in the
20 Labor Relations log that was attached, was that the
21 information you had requested?

22 A. I need to see the log, but it was late,
23 so ...

24 Q. What makes you say it was late?

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1 A. Because I had requested this from Hector
2 well before I received it. I believe I asked -- I
3 don't know the exact day that I asked him for it,
4 but I had wanted it by a certain date. He didn't
5 get it to me, which is why I had Lauren reach out to
6 him to get certain information.

7 Q. After you received this attachment
8 from Jamal, what follow-up, if any, did you do to
9 get this requested information?

10 A. I don't understand the question.

11 Q. So you were looking for certain
12 information from Hector, correct?

13 A. So let me -- this dynamic tracker would have
14 been all-inclusive of what was happening under
15 Labor Relations and CBAs and all this stuff that
16 would have been in there. Prior to -- well, he did
17 not meet my deadline. I needed some information, so
18 I had Lauren reach out to him. He provided that
19 information.

20 Subsequent to that, Jamal then
21 sent the larger tracker which is what he's talking
22 about here.

23 Q. That larger tracker, in what ways, if
24 any, was it deficient?

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1 way?

2 A. Not to my knowledge.

3 Q. Did you get subsequent versions of the
4 document?

5 A. Unsure. I think so, but I'm not positive.

6 Q. Okay. So going back to this document,
7 which I believe was Woolley-10, but it's identified
8 as Bates stamp 19A through D here, and its subject
9 is A Recommendation for the County of Delaware's
10 Personnel Department.

11 Looking at the final page, it
12 states, "Below is an outline of behaviors by
13 Mr. Figueroa that we believe should result in
14 termination," correct?

15 A. Yes.

16 Q. So there's one, two, three, four,
17 five, six, seven bullet points, correct?

18 A. Yes.

19 Q. Were there any other reasons why you
20 recommended his termination than those seven bullet
21 points?

22 A. No. The seven bullet points are the seven
23 bullet points.

24 Q. So the first bullet point references a

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1 complaint of sexual harassment filed in the
2 IT Department, correct?

3 A. Yes.

4 Q. And the sixth bullet point also
5 references IT. Is that the same department as the
6 first bullet point references?

7 A. No.

8 Q. How is it different?

9 A. The people that were involved in the first
10 complaint had been with the County for a number of
11 years, so they would not have been in their
12 probationary period.

13 Q. The final bullet point references the
14 pay discrepancy that we talked a little bit about
15 earlier. It states, "Ms. Footman followed up on
16 August 14th to find out the status update, and
17 Mr. Figueroa confirmed he had not begun the
18 investigation into the complaint," correct?

19 A. Yes.

20 Q. Using that and any other thing from
21 this document, can you provide any estimate of when
22 you finalized this document?

23 A. No. I don't know.

24 Q. When did you make up your mind to

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1 Q. Just to set the stage, again, this was
2 previously marked as Woolley-18, and it's an e-mail
3 communication dated August 18, 2022, from
4 Mr. Johnson to yourself, Mr. Lazarus --

5 MR. COHEN: I think Woolley-8,
6 not 18.

7 MR. SCHLEIGH: I'm sorry.
8 Eight. Excuse me.

9 BY MR. SCHLEIGH:

10 Q. (Continuing) -- and Bill Martin, who
11 was, and still is at least for a day or so, County
12 solicitor. At this point, was the investigation
13 still going on regarding Mr. Fitzgerald's complaints
14 about Ms. Jackson?

15 A. From my knowledge, it never ended.

16 Q. And in the course of this
17 communication, is there anything indicating for
18 Mr. Johnson that Ms. Jackson was not cooperating
19 with his request for an interview?

20 A. Nothing in this and nothing that I recall
21 either.

22 Q. Subsequent to this e-mail, have you
23 ever received any communications from Mr. Johnson
24 indicating to you that Ms. Jackson failed to

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1 cooperate with his request for an interview?

2 A. No.

3 Q. Has Mr. Johnson ever, in continuing
4 his investigation of Mr. Fitzgerald's complaints
5 against Ms. Jackson subsequent to August 18th, 2022,
6 asked your assistance in compelling Ms. Jackson to
7 provide an interview?

8 A. No.

9 Q. Did Mr. Johnson ever give you a final
10 report about his investigation involving
11 Mr. Fitzgerald's complaints about Ms. Jackson?

12 A. Not to my knowledge. I don't recall.

13 Q. If Mr. Johnson or his department had
14 completed the investigation of Fitzgerald's
15 complaints about Ms. Jackson and came to the same
16 conclusions regarding his earlier recommendation, is
17 there any particular action you would have taken?

18 A. I would have followed his recommendation and
19 placed her on administrative leave.

20 Q. And if it was substantiated that
21 Mr. Fitzgerald's complaints were accurate as shown
22 by his fellow employees' statements and the
23 completed investigation, what, if any, disciplinary
24 actions would have been on the table for

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1 Ms. Jackson?

2 A. Anything up to and including termination.

3 MR. SCHLEIGH: No further
4 questions.

5 BY MR. COHEN:

6 Q. Just a couple on those.

7 So you were asked if subsequent
8 to August 18th, 2022, Mr. Johnson asked you to
9 compel Ms. Jackson to provide a statement, right?

10 What about before August 18th,
11 2022? Did Mr. Johnson ever ask for your assistance
12 in having Ms. Jackson sit down to provide a
13 statement?

14 A. No. I told her to make herself available.

15 Q. And you also told her that she would
16 not face any disciplinary action as a result of the
17 investigation, correct?

18 A. No.

19 MR. COHEN: I will mark this as
20 Woolley-14. This is a one-page document
21 Bates stamped 650.

22 (Whereupon Woolley-14 was marked for
23 identification.)

24 BY MR. COHEN:

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1 Q. So we are looking at Woolley-14, and
2 that's correspondence you just admitted sending to
3 Mr. Johnson.

4 Did Mr. Johnson ever respond to
5 this e-mail indicating that after this Ms. Jackson
6 still wouldn't provide an interview?

7 A. I don't recall.

8 Q. Had you been informed that, after
9 specifically instructing Ms. Jackson that she was to
10 provide an interview and she did not, that would
11 have been an action of insubordination to your
12 instruction?

13 A. Yes.

14 Q. Were you ever informed that she was
15 insubordinate in such a manner?

16 A. No.

17 MR. SCHLEIGH: No further
18 questions.

19 MR. COHEN: Nothing further.

20 (Deposition concluded at

21 1:49 p.m.)

22 - - - - -

23

24